

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**TRUSTEES OF THE PLUMBERS AND GASFITTERS'
LOCAL UNION NO. 12 WELFARE, PENSION, ANNUITY,
VACATION & XMAS AND FRINGE BENEFIT FUNDS;
PLUMBERS AND GASFITTERS LOCAL 12; AND
PLUMBERS' UNION NO. 12 LABOR MANAGEMENT
COOPERATION TRUST FUND,**

Plaintiffs - Creditors

VS.

McGLONE PLUMBING, INC.

Defendant - Debtor

Civil Action No.
05-CV-11510 (PBS)

October 17, 2006

**MOTION FOR COURT'S APPROVAL
OF AGREEMENT AND STIPULATION OF JUDGMENT**

At the supplementary process hearing held at approximately 3:30PM on October 4, 2006, the Court requested that counsel for Plaintiffs submit to the Court within two (2) weeks the written Agreement and Stipulation of Judgment of the Oral Agreement reached between the parties. The Court instructed Daniel T. McGlone, President of McGlone Plumbing, Inc., that the Agreement and Stipulation of Judgment will have the force of a Court Order.

Attached to this Motion is the Agreement and Stipulation of Judgment expressing in writing the Agreement the parties' reached at the October 4, 2006 hearing. The written Agreement was forwarded to the Defendant, McGlone Plumbing, Inc., via

facsimile on October 12, 2006. Daniel T. McGlone, President of McGlone Plumbing, Inc., returned his signed copy of the Agreement and Stipulation of Judgment to the Plaintiffs' office on October 17, 2006. Attached to this Motion is a copy of the fully executed Agreement and Stipulation of Judgment signed by all parties and counsel for the Plaintiffs.

Accordingly, Plaintiffs request that the Court issue a ruling that Defendant's failure to comply with the Agreement and Stipulation of Judgment will constitute contempt of this Court's Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John T. Fussell", is written over a horizontal line.

John T. Fussell, pro hac vice
ROBERT M. CHEVERIE
& ASSOCIATES, P.C.

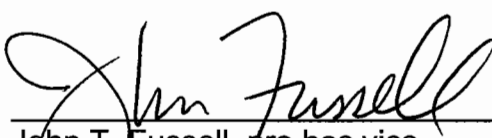
333 East River Drive, Suite 101
East Hartford, CT 06108
(860) 290-9610 ext. 105
jfussell@cheverielaw.com

Counsel for Plaintiffs

CERTIFICATION

I hereby certify that, on October 17, 2006, a copy of the foregoing Motion for Court's Approval of Agreement and Stipulation of Judgment was filed electronically and served by mail on anyone unable to accept electronic filing (as listed below). Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Daniel T. McGlone, President
McGLONE PLUMBING, INC.
111 French Avenue
Braintree, MA 02184

By: 
John T. Fussell, pro hac vice
ROBERT M. CHEVERIE
& ASSOCIATES, P.C.
333 East River Drive, Suite 101
East Hartford, CT 06108-4206
Tele. No.: (860) 290-9610 ext. 105
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRUSTEES OF THE PLUMBERS AND GASFITTERS'
LOCAL UNION NO. 12 WELFARE, PENSION, ANNUITY,
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PLUMBERS AND GASFITTERS LOCAL 12; AND
PLUMBERS' UNION NO. 12 LABOR MANAGEMENT
COOPERATION TRUST FUND,

Plaintiffs - Creditors

VS.

McGLONE PLUMBING, INC.

Defendant - Debtor

Civil Action No.
05-CV-11510 (PBS)

October 11, 2006

**AGREEMENT
AND STIPULATION OF JUDGMENT**

Whereas, judgment dated January 18, 2006 in favor of Plaintiffs Trustees of the Plumbers and Gasfitters Local 12 Trust Funds entered against Defendant McGlone Plumbing, Inc. on January 25, 2006 and ordered that Plaintiffs recover from Defendant delinquent Funds contributions in the amount of **\$6,311.64**, late fees in the amount of **\$424.51**, costs in the amount of **\$295.18**, and attorneys fees in the amount of **\$1,400.00** for a total judgment of **\$8,431.33**, plus post-judgment interest as provided by law [Doc. 10].

Whereas, Defendant's failure to pay the judgment or respond to Plaintiffs' settlement offers caused Plaintiffs to duly serve upon Defendant a Notice for a Supplementary Process Hearing to determine Defendant's assets and ability to pay the judgment; and

Whereas, Defendant's failure to appear after being duly served and noticed of the aforementioned Hearing on August 1, 2006 caused the Court to issue a warrant for the arrest of Daniel T. McGlone, President and owner of Defendant McGlone Plumbing, Inc. and to bring him before the Court for the purpose of the Supplementary Process Hearing; and

Whereas, having failed to voluntarily appear after being noticed by the Federal Marshall, Daniel T. McGlone was arrested on October 4, 2006 and held until the Supplementary Process Hearing was conducted; and

Whereas, at the commencement of the Supplementary Process Hearing, Daniel T. McGlone, on behalf of the Defendant, represented to the Court his agreement to pay the judgment as described below and acknowledged that such Agreement has the force of a court order and, if breached in anyway, upon motion of the Plaintiffs, will subject him to contempt proceedings before this Court;

WHEREBY the above-captioned parties voluntarily agree as follows:

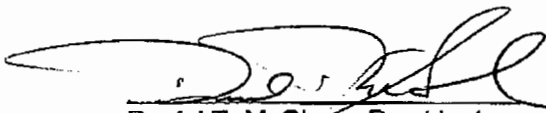
1. Daniel T. McGlone will pay the judgment at the rate of at least One Hundred Fifty Dollars (\$150.00) per month beginning on November 1, 2006 and will cause such payment to be made on the **first day of each subsequent month** until either the entire judgment or this Agreement has been fully satisfied. Each payment, if by check, will be made payable to "**Plumbers Local No. 12 Trust Funds**" and will be delivered to Plumbers Local No. 12 Trust Funds at 1230-1236 Massachusetts Avenue, Boston, Massachusetts 02125. Payment is due on the first (1st) day of each month and if the payment is not received on or before the seventh (7th) day of the month, Daniel T. McGlone will be in breach of this Agreement and subject to contempt proceedings.

2. In light of the distressed nature of Defendant's business, Plaintiffs have agreed to waive a portion of the judgment, attorneys fees and costs, interest and late fees on the condition that Defendant pay the sum of **Five Thousand Eight Hundred Seventy-Nine Dollars and Fifty-Four Cents (\$5,879.54)** at the rate of at least \$150.00 per month, or more if possible. This sum represents the delinquent wages, pension, annuity and health benefits contributions owed by Defendant on behalf of William P. Hayward, Gary F. MacDougall, and Scott Smith, the three (3) plumbers employed by Defendant in July 2005 for which Funds contributions are due and owing.

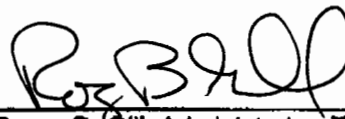
3. In the event that McGlone Plumbing, Inc. fails to submit timely payments as described in Paragraph 1 above and to pay the sum of **\$5,879.54** at the rate of \$150.00 or more per month, Daniel T. McGlone, as President of Defendant McGlone

Plumbing, Inc., acknowledges that he will be liable for the full judgment sum of
\$8,431.33, post-judgment interest, accrued late fees, and the Plaintiffs' reasonable
attorney fees and costs associated with the enforcement of the judgment, and will be
subject to contempt proceedings before this Court.

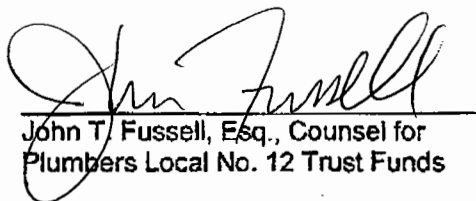
Signed this 16 day of October 2006:



Daniel T. McGlone, President
McGlone Plumbing, Inc.
111 French Avenue
Braintree, MA 02184
617-799-8036



Roger B. Gill, Administrator, Trustee
Plumbers Local 12 Trust Funds
1230-1236 Massachusetts Avenue
Boston, MA 02125
617-288-5400



John T. Fussell, Esq., Counsel for
Plumbers Local No. 12 Trust Funds

It is so ordered:

Judith G. Dein
United States Magistrate Judge